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The Procter & Gamble Company
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Cincinnati, OH 45224

In re Application of DYKSTRA :
U.S. Application No.: 10/069,628 :
Int. Application No.: PCT/US00/23322 :
Int. Filing Date: 25 August 2000 :
Priority Date: 27 August 1999 :
Attorney Docket No.: 7755 :
For: BLEACH BOOSTING COMPONENTS, :
COMPOSITIONS AND LAUNDRY METHODS :

DECISION

This is in response to applicant's "Petition and Fee to Correct Inventorship Under 37 CFR 1.48(a)" filed 31 October 2002, which is being treated as a renewed petition under 37 CFR 1.497(d).

BACKGROUND

On 25 August 2000, applicant filed international application PCT/US00/23322, which claimed priority of an earlier United States application filed 27 August 1999. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 February 2002.

On 26 February 2002, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 May 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 05 July 2002, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 06 September 2002, this Office mailed a decision dismissing the 05 July 2002 petition on grounds that consent of the assignee had not been established.

On 31 October 2002, applicant filed the present renewed petition along with a copy of an assignment agreement.

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, in situations where an assignee consents to a correction of inventorship, ownership of the application must be established. See MPEP 324. Under 37 CFR 3.73(b), ownership is established by documentary evidence of a chain of title from the original owner to the assignee. In the present case, the petition is accompanied by an "Assignee Consent to Petition under 37 CFR 1.48(a) to Correct Inventorship" which states that The Procter & Gamble Company is the assignee of the present invention. The consent statement is signed by a person who states that he is authorized to act on behalf of the assignee. In addition, applicant has provided a copy of an assignment agreement as set forth in 37 CFR 3.73(b)(1). Therefore, applicant has sufficiently demonstrated written consent of the assignee.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date of 25 August 2000 and a date under 35 U.S.C. 371(c) of 26 February 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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